

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 THERESA MARCIANTI,

7 Defendant

Case No.: 2:11-cr-00452-APG-CWH

**Order Denying Motion to Correct  
Judgment**

[ECF No. 230]

8 Eve Mazzarella is not a party to this case. She was convicted in case number 2:08-cr-64  
9 and ordered to pay \$2,275,025.00 in restitution. Ms. Mazzarella's name is included on a  
10 "restitution list" attached to the \$31,971,250.80 judgment entered in this case against defendant  
11 Theresa Marcianti. ECF No. 190 at 14. Ms. Mazzarella fears the "potential" that someone may  
12 believe she owes the of restitution from this case. So, Ms. Mazzarella filed a motion to correct  
13 the judgment in this case and remove her name from the restitution list. ECF No. 230.

14 Ms. Mazzarella does not have standing to challenge the judgment entered in this case  
15 because she is not a party to it. *United States v Kovall*, 857 F.3d 1060, 1065-66 (9th Cir. 2017).  
16 But even if Ms. Mazzarella has standing (because she is named in the attachment to the  
17 judgment), she has suffered no injury as a result of the judgment. There is no "potential"  
18 prejudice to her because the Government has recorded against her a notice of lien for the  
19 judgment in her case. *See* ECF No. 231-2. The recorded lien is only for the lesser amount of  
20 restitution ordered payable by Ms. Mazzarella. Her restitution obligation was not increased by  
21 the judgment in this case. She is simply identified as being jointly and severally liable for the  
22 losses in the apportioned amount in the judgment against her. Thus, there is no need to modify  
23 the judgment in this case as Ms. Mazzarella requests.

1 IT IS THEREFORE ORDERED that Ms. Mazzarella's motion (ECF No. 230) is denied.

2 DATED this 27th day of August, 2018.

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4 ANDREW P. GORDON  
5 UNITED STATES DISTRICT JUDGE  
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